



**US Army Corps  
of Engineers**  
Louisville District ®

# Joint Public Notice

Public Notice No.  
LRL-2016-00110-gjd

Open Date:  
13 Feb 2017

Close Date:  
15 Mar 2017

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Mr. George DeLancey, CELRL-RDE  
6855 State Road 66  
Newburgh, Indiana 47630  
[lr.regulatorypubliccomment@usace.army.mil](mailto:lr.regulatorypubliccomment@usace.army.mil)

Phone: 812-842-2807

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Greenlife Development, LLC  
2000 Victoria National Boulevard  
Newburgh, Indiana 47630

AGENT: Aigner Engineering, Inc.  
944 North Baker Road  
Boonville, Indiana 47601

LOCATION: Hines Ditch, unnamed tributaries and associated wetlands to Hines Ditch, located near Roslin Road, northeast of Newburgh, Warrick County, Indiana.  
Latitude: 38.006215°N  
Longitude: -87.331445°W

PURPOSE: Residential development.

DESCRIPTION OF WORK: The applicant proposes to construct a residential development consisting of the installation of utilities, roadways, storm water ponds, and grading home lots for the final build out phase of the project.

To facilitate this new development, the applicant proposes to impact approximately 930 linear feet of ephemeral stream channels, 1,396 linear feet of intermittent stream, and 12.45 acres of palustrine forested (PFO), palustrine scrub shrub (PSS), palustrine emergent (PEM), and palustrine unconsolidated bottom (PUB) wetlands. It is noted that a majority of these resources are in areas of pre-law (SMCRA 1977) mining where spoil material was simply side cast and no reclamation grading occurred.

AVOIDANCE & MINIMIZATION MEASURES: The applicant did consider design alternatives within the project area to reduce impacts. The applicant has identified 70.32 acres of wetlands within the project area that will be avoided.

**MITIGATION MEASURES:** The applicant proposes to provide compensation for the unavoidable impacts associated with this project through both onsite and offsite mitigation.

On site - The applicant is proposing to place a conservation easement on a large tract, mostly within the project area, which is adjacent to Hines Ditch. The protected area would include 13.97 acres of wetlands, primarily forested, 25.1 acres of forested riparian buffer, and 12.62 acres of upland forest. These areas have not been impacted by past mining. Hines Ditch is a regulated legal drainage ditch with maintenance assigned to the Warrick County Surveyor and the County Drainage Board. The applicant has petitioned the County to release Hines Ditch so as to remove it from any further future dredging activities, and to allow a conservation easement to be placed on the drain. As of this announcement, the applicant has received the approval from Warrick County that Hines Ditch would be released from its' designation as a Legal Drain. This allows 4,000 linear feet of Hines Ditch to also be placed into protection through the use of a conservation easement.

Off site - The applicant is also proposing to complete offsite mitigation on a 7.55-acre tract located adjacent to Stollberg Ditch, north of State Road 62, west of Chandler, in Warrick County, Indiana. The applicant would restore 5.3 acres of existing agricultural ground to palustrine forested wetlands, primarily managed for hard mast species.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 North Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956.

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The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the

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requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. George DeLancey, CELRL-RDE at the address noted above and should refer to the Public Notice Number LRL-2016-00110-gjd.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2016-00110-gjd.

Example: LRL-2016-00110-GJD (subject)

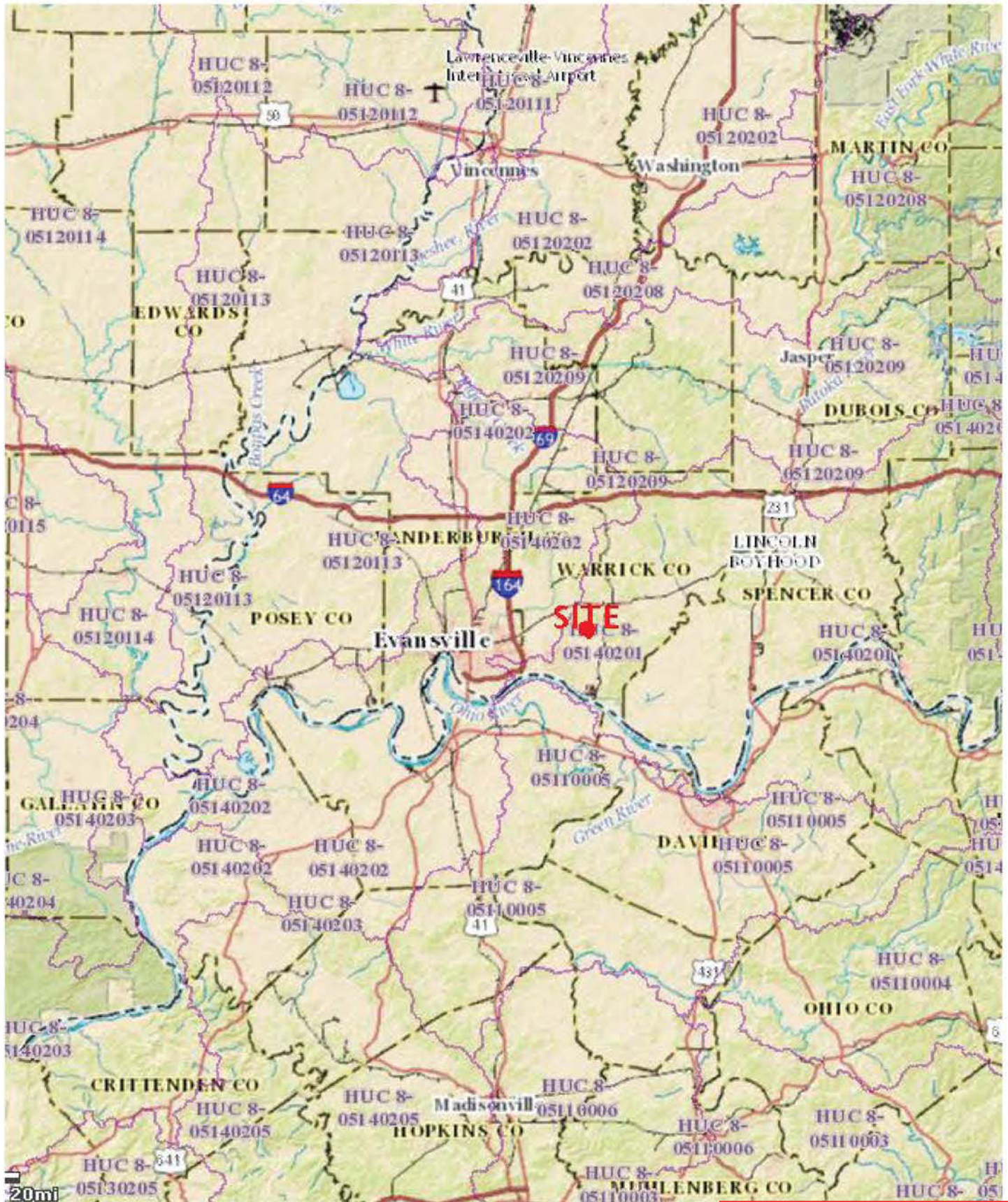
b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



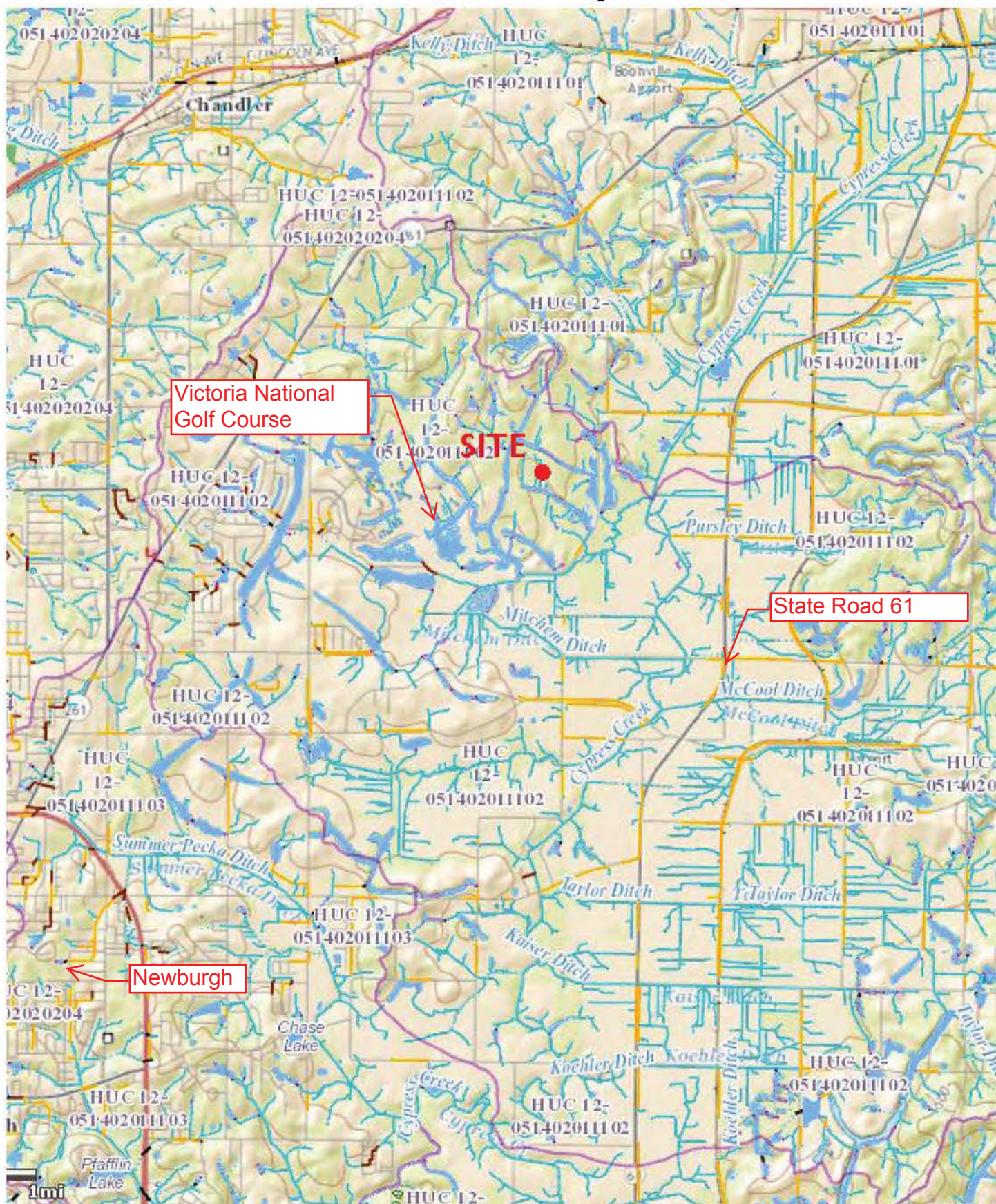
# HUC 8 Watershed



Victoria Preserve Residential  
Development  
Corps ID # LRL-2016-00110-  
GJD  
Map 1 of 8

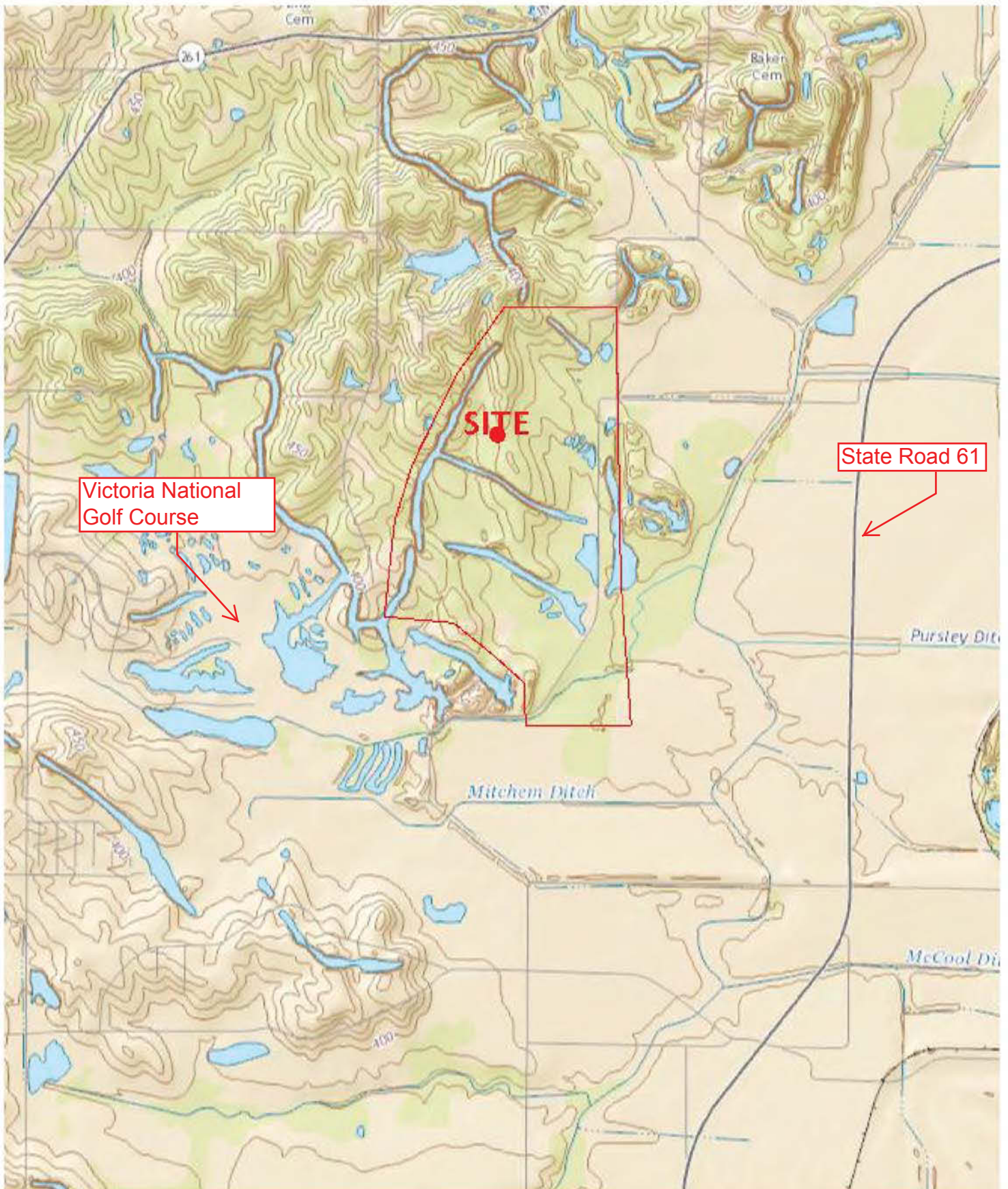


# HUC 12 Map





# ***The National Map***





Avoided Wetland  
Impacted Wetland

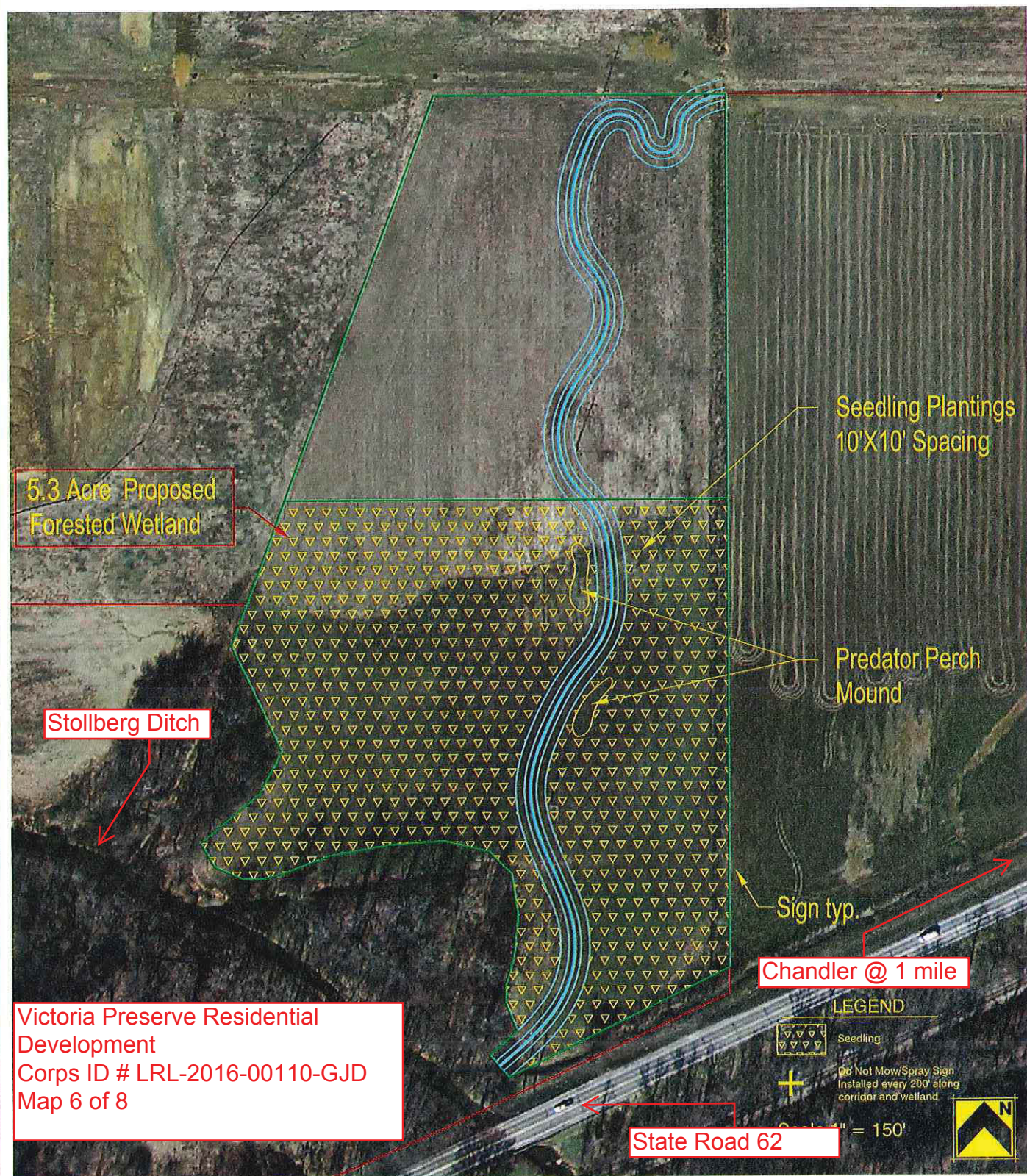




# Wetland and Streams with Development Overlay







**AIGNER**  
ENGINEERING

944 N. Baker Road Boonville, IN 47601 812.897.5815  
jordana@aignerengineering.com

## VICTORIA OFFSITE MITIGATION PLAN

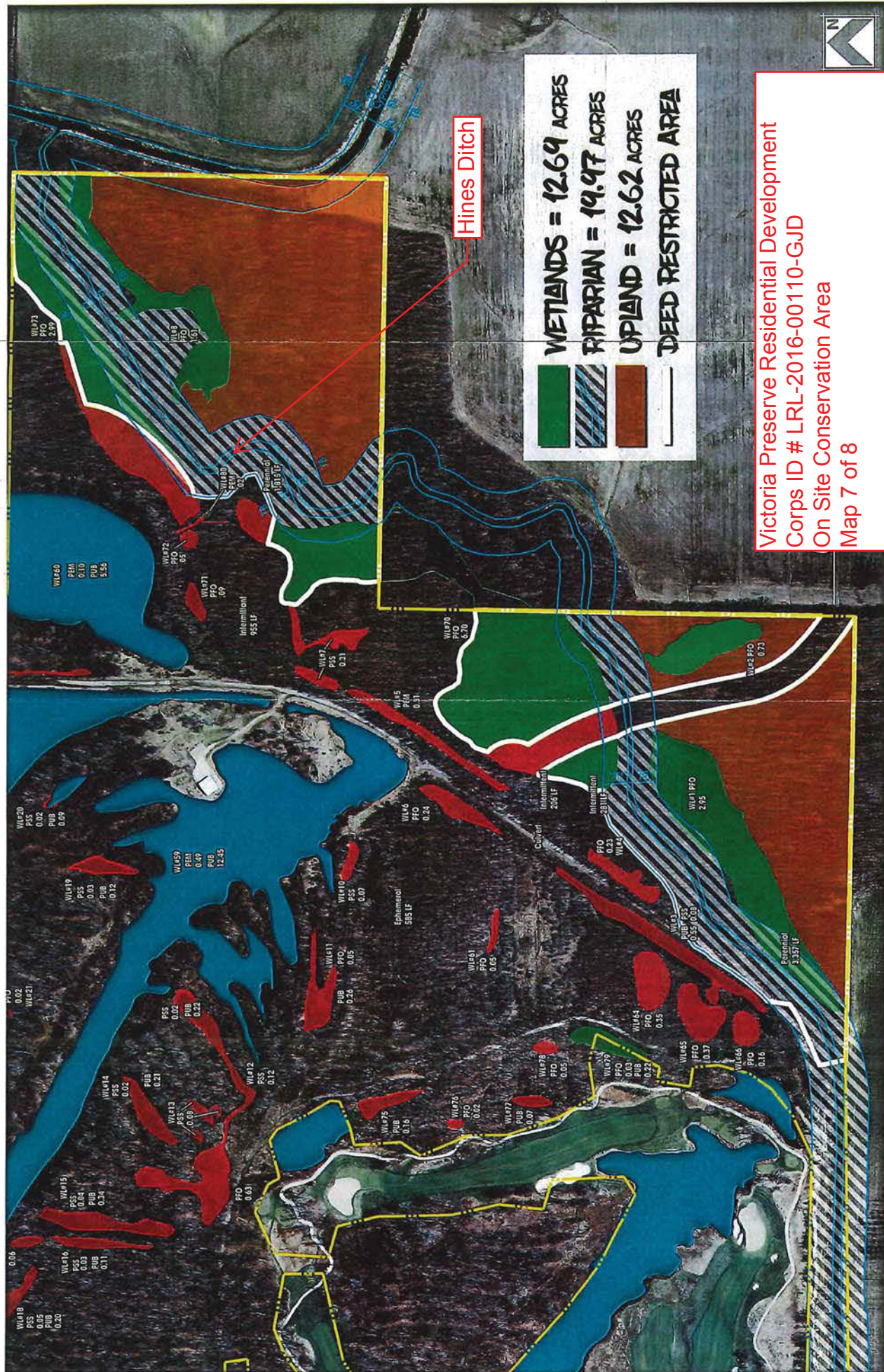
DATE: 1.23.17 DESIGNED BY: JMA

PROJECT DESIGNED FOR:  
Greenlife Development, LLC

SHEET NUMBER

**M-04**









WETLANDS = 1.28 ACRES  
RIPARIAN = 5.13 ACRES

Victoria Preserve Residential  
Development  
Corps ID # LRL-2016-00110-GJD  
Off Site Conservation Area  
Map 8 of 8